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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,049	03/11/2004	P. Daniel Kangas	RPS920030092US1	4958
47052 SAWYER LAV	7590 04/19/2007 W GROUP LLP	EXAMINER		
PO BOX 51418			TSO, EDWARD H	
PALO ALTO, CA 94303			ART UNIT	PAPER NUMBER
			2838	
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SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MO	NTHS	04/19/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	A continue to the same to				
	Application No.	Applicant(s)			
Office Action Comment	10/798,049	. KANGAS ET AL.			
Office Action Summary	Examiner	Art Unit			
	Edward H. Tso	2838			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REWHICHEVER IS LONGER, FROM THE MAILING Extensions of time may be available under the provisions of 37 CFF after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory perion. Failure to reply within the set or extended period for reply will, by stany reply received by the Office later than three months after the mearned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION IN THE PROPERTY OF THE COMMUNICATION IN THE PROPERTY OF THE PROPERT	DN. timely filed om the mailing date of this communication. NFD (35 U.S.C. \$ 133)			
Status		-			
Responsive to communication(s) filed on 23 2a) This action is FINAL . 2b)	his action is non-final. wance except for formal matters, p				
Disposition of Claims					
4) Claim(s) 1.5.7.12.17.21.23.28.33 and 34 is, 4a) Of the above claim(s) is/are without is/are without 5) Claim(s) 1.5.7.17.21.23.33 and 34 is/are all 6) Claim(s) 12 and 28 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and are subject to restriction and are subject to restriction and are subjected to by the Example 10) The specification is objected to by the Example 10) The drawing(s) filed on is/are: a) applicant may not request that any objection to the Replacement drawing sheet(s) including the core 11) The oath or declaration is objected to by the	drawn from consideration. dowed. d/or election requirement. niner. accepted or b) objected to by the the drawing(s) be held in abeyance. So rection is required if the drawing(s) is consideration.	ee 37 CFR 1.85(a). objected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
Attach mant/a)					
Attachment(s) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summal Paper No(s)/Mail 5) Notice of Informal 6) Other:	Date			

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12 and 28 are rejected under 35 USC 101 because the claim falls under a judicial exception without tangible result claimed. The mere claiming of the steps of determining, calculating and setting the charge rate would not appear to be sufficient to constitute a tangible result since they are mathematical steps of correlating the data which have not made available in such a manner that its usefulness in a disclosed practical application can be realized.

These claims are different than claims 1 and 17 because these claims actually claiming the step of actual charging the battery based on the claimed steps of calculations.

Allowable Subject Matter

Claims 1, 5, 7, 17, 21, 23, 33 and 34 are allowed.

Response to Arguments

Applicant's arguments filed 1/25/07 have been fully considered but they are not persuasive in part.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to the Examiner at the below-listed number on every Tuesday, Thursday and Saturday.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist at (571) 272-2800, Monday-Friday, 8:30am to 5:00pm, EST.

By:

EDWARD H TSÓ Primary Examiner

(571) 272-2087